

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

(In compliance with a Resolution of the Senate,)

*With copies of Communications from the Commissioner under the 4th
Article of the Treaty of Ghent.*

FEBRUARY 25, 1829.—Read, and ordered to be printed.

WASHINGTON, 20th February, 1829.

To the Senate of the United States:

In compliance with a resolution of the Senate, of the 10th instant, requesting copies of correspondence and communications, from 20th October, 1816, to 24th November, 1817, received at the Department of State, from the American Commissioner under the 4th article of the treaty of Ghent, I transmit herewith a report from the Secretary of State, with the copies of papers mentioned in the resolution.

JOHN QUINCY ADAMS.

DEPARTMENT OF STATE,

WASHINGTON, 18th February, 1829.

The Secretary of State, in pursuance of the resolution of the Senate of the 10th of this month, which has been referred to him, requesting the President to lay before the Senate copies of all correspondence and communications, bearing date from the 20th of October, 1816, to the 24th of November, 1817, both inclusive, received at the Department of State, from the American Commissioner under the fourth article of the treaty of Ghent, relative to the official situation and business of said Commissioner, or such part thereof as can be communicated without injury to the public interest—has the honor to submit to the President, copies of all the communications from the said Commissioner, bearing date within the periods referred to, and being within the purview of the resolution of the Senate, which appear to have been received at this Department.

H. CLAY.

LIST OF PAPERS.

- A. Extract—Mr. Holmes to Mr. Monroe, 20th October, 1816.
- B. Letter—Same to Mr. Rush, 26th June, 1817.
- C. “ Same to same, 27th August, 1817.
- D. “ Same to Mr. Adams, 2d October, 1817.
- E. “ Same to same, 14th October, 1817.
- F. “ Same to same, 24th November, 1817.
- G. “ Same to same, “ “ “
- H. Decision of the Commissioners.

A.

Extracts of a letter from Mr. Holmes, Commissioner of the United States, under the fourth article of the treaty of Ghent, to Mr. Monroe, Secretary of State, dated

ALFRED, 20th October, 1816.

"Agreeably to your direction I was prepared to meet the British Commissioner at St Andrews, on the 16th September. For this purpose, I was at Portland on the 12th, in the morning, where I met Col. Barclay and son, Mr. Austin, and Mr. Van Ness. Here we were detained by contrary winds until the 17th. Sailed, and after a tedious passage arrived at St. Andrews, on the 22d. There we exchanged our commissions, were sworn, and appointed a Secretary. The mode we adopted was as follows: Col. Barclay named two gentlemen, to wit, a Mr. Blake, of New York, and his son, Anthony Barclay; from these two Mr. Van Ness and myself selected Mr. A. Barclay. Then Mr. Van Ness and myself each named one, to wit, Mr. Parris, of Maine, and a Mr. Orne, of New Hampshire. Col. B. selected Mr. Orne. It was then agreed that the British Secretary should be attached to our commission, and the American to the other. Both Secretaries are young gentlemen of about equal standing."

"The agents appeared and offered their credentials. Mr. Chipman's authority was contained in a letter of instructions from Lord Bathurst; but he showed no appointment or commission. Of course, I entered my objection on the journal; but consented to proceed in the preliminary arrangements, on his promise to procure better evidence of his appointment before the next meeting. We received the claims of the two governments from their respective agents, and adjourned to 28th May next, to meet at Boston. I should have preferred an earlier adjournment, but Mr. Chipman is *infirm*, and could not travel in the winter."

B.

Mr. Holmes, Commissioner of the United States under the 4th article of the treaty of Ghent, to Mr. Rush, acting Secretary of State, dated

ALFRED, D. M. 26th June, 1817.

DEAR SIR: The Commissioners, on the 13th instant, adjourned to meet at Boston, on the 25th September next. This adjournment was after the agents had introduced their evidence and made their arguments, that the agents might have time to reply. The survey taken, under the treaty of 1794, having been admitted in this case, and all the evidence necessary being produced, it was hoped that the subject would not have been delayed so long. But the agents reluctantly consented to ~~so~~ early a day as the 25th September. This placed me in an embarrassing situation. This business must be finished before I take my seat in Congress. I still think, however, that there is sufficient time to come to some result before the session of Congress. Mr. Austin is very able, and has been very industrious. If the gentlemen reply to each other, in September, and should require a further time to rejoin, it may press the business into the winter. I am satisfied, that all that will be necessary, may be said in time to finish before the session

of Congress. I wish to finish, if possible, so as not to disappoint the government or my constituents. Did I not believe that justice might be done the subject in that time, I would not urge the agent to make haste, let the consequence be what it might to myself. But I believe that the subject is not attended with much perplexity, and that it might be as well understood after a month's further examination as in ten years.

What is the probability of the Commissioners agreeing to any thing is impossible to divine at present. If we *do* agree, the sooner the people on the frontiers know it, the better. If we do *not*, it will be important that the government should be soon advertised of it, that they may adopt *ulterior measures*. If, in any communication with Mr. Austin, you should think it expedient to intimate that as much expedition as the nature of the case will admit, will be very agreeable to *me* personally, (if this be consistent with the feelings of the government,) you will very much oblige me. My difficulty is upon the ground that I cannot take my seat in Congress while this business is pending. Upon this point there can, I apprehend, be little or no doubt.

My constituents would, I have reason to think, be much disappointed, were I obliged to resign my seat.—But even *then*, if my duty to the government could not be otherwise performed, I should, perhaps, not hesitate.

I am, dear Sir,

Yours, most respectfully,

(Signed)

J. HOLMES.

C.

Extracts of a letter from Mr. Holmes, Commissioner of the United States under the 4th article of the treaty of Ghent, to Mr. Kush, acting Secretary of State, dated

ALFRED, 27th August, 1817.

"If, upon consultation in September, we agree, no further argument would be necessary. If, which is not improbable, we should not agree, we might, having heard enough for *ourselves*, permit the agents to rejoin *afterwards*, they judging that further argument might be necessary before the *ultimate tribunal*; or, if the treaty does not admit other evidence or argument than what should be contained in the report to go before the friendly sovereign, might not some arrangement be made between the two governments in this particular? I cannot myself see, that the sovereign who is ultimately to decide, has any thing to do with the arguments of the agents. If, however, he is to decide on the report, or reports, including the *arguments*, &c. then probably *after* arguments might be received, so that no delay might be created after the Commissioners were satisfied for themselves."

"Should the President feel disposed to authorize and instruct the American Commissioner to require the American agent to be prepared to close his argument by a given day, if the nature of the subject would admit of it, I have no apprehension but the whole might be finished with the utmost ease. If his B. M. is equally solicitous to bring this subject to a close, his Minister at Washington would probably not be unwilling to urge to Col. Barclay and Mr. Chipman the importance of despatch."

I assure you, Sir, that I am not hurrying this subject unreasonably: within the time I am willing to give them, the agents will have written more than two thousand pages in evidence and arguments. Can this simple subject possibly require more?"

D.

*Mr. Holmes to Mr. Adams.*BOSTON, *October 2d, 1817.*

DEAR SIR: The agents have been heard in reply to each other's arguments, delivered on the 28th May, &c. and they ask a further hearing. The argument and documents already make more than 2000 pages of folio. There is no prospect that the Commissioners will agree. Col. Barclay says he has heard enough but is unwilling to take the responsibility of refusing the agents a further hearing. I must leave the commission on the 1st December, to take my seat in Congress. Now, what is to be done? All the evidence is received, and the subject has been literally exhausted. I have told the agents that being satisfied that enough has been said, and that further delay would require my resignation, I am bound to call on my colleague to come to a decision; and in case he is disposed to hear the agents further, after he has expressly stated that he has heard enough, I shall be obliged to consider him as "refusing, declining, or omitting to act," and that I must make up a separate report to that effect. This I shall be obliged to do, unless the President shall think that course improper. Do write immediately. I have not yet received an answer to my last.

I regret that the agents urge a further hearing. If Mr. Austin and Mr. Chipman should be directed by the President and Mr. Bagot not to insist on it, the difficulty would be removed.

I am yours, most respectfully,

(Signed)

JOHN HOLMES.

HON. JOHN Q. ADAMS,
Secretary of State U. S. Washington City.

E.

*Mr. Holmes to Mr. Adams.*ALFRED, *14th October, 1817.*

DEAR SIR: Since stating to you the perplexities attending our progress relative to proceedings under the 4th article of the treaty of Ghent, we have proceeded amicably, and been able to come to a *decision*. As soon as duplicates are properly engrossed, we shall send them. We meet for this purpose at New York, on the 24th November.

The decision, though not perhaps so favorable to the United States as it ought to be, yet it is, I trust, better than to disagree, and such as comports with the honor as well as interest of the United States.

I am, Sir, most respectfully,

Your very obedient and humble servant,

(Signed)

JOHN HOLMES.

HON. JOHN Q. ADAMS,
*Secretary of State U. S.
Washington City.*

F.

Mr. Holmes to Mr Adams.

NEW YORK, 24th November, 1817.

DEAR SIR: Having this day completed the decision as Commissioner under the 4th article of the treaty of Ghent, and adjourned *without* day, I have the honor to resign the office, and to be your most obedient and very humble servant.

(Signed)

J. HOLMES.

HON. JOHN Q. ADAMS,
Secretary of State U. S.
Washington.

G.

Mr. Holmes to Mr. Adams.

NEW YORK, 24th November, 1817.

DEAR SIR: I have the honor to enclose you the decision of the Commissioners appointed in conformity to the 4th article of the treaty of Ghent. If it is not so favorable to the United States as it should be, yet I believe it is a decision honorable to the government, and such as I trust will be satisfactory to the people.

Believe me, Sir, with every sentiment of respect and esteem, your friend and very humble servant.

(Signed)

J. HOLMES.

HON. JOHN Q. ADAMS,
Secretary of State U. S.
Washington.

H.

By Thomas Barclay and John Holmes, Esquires, Commissioners, appointed by virtue of the fourth article of the treaty of peace and amity, between His Britannic Majesty and the United States of America, concluded at Ghent, on the twenty-fourth day of December, one thousand eight hundred and fourteen, to decide to which of the two contracting parties to the said treaty, the several islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the islands of Grand Menan, in the said Bay of Fundy, do respectively belong, in conformity with the true intent of the second article of the treaty of peace, of one thousand seven hundred and eighty three, between his said Britannic Majesty and the aforesaid United States of America:

We, the said Thomas Barclay and John Holmes, Commissioners as aforesaid, having been duly sworn, impartially to examine and decide upon the said claims, according to such evidence as should be laid before us, on the part of His Britannic Majesty and the United States respectively, have decided, and do decide, that Moose Island, Dudley Island, and Frederick Isl-

and, in the Bay of Passamaquoddy, which is part of the Bay of Fundy, do, and each of them does, belong to the United States of America; and we have also decided, and do decide, that all the other islands, and each and every of them, in the said Bay of Passamaquoddy, which is part of the Bay of Fundy, and the island of Grand Menan, in the said Bay of Fundy, do belong to his said Britannic Majesty, in conformity with the true intent of the said second article of said treaty, of one thousand seven hundred and eighty three.

In faith and testimony whereof, we have set our hands, and affixed our seals, at the City of New York, in the State of New York, in the United States of America, this twenty-fourth day of November, in the year of our Lord one thousand eight hundred and seventeen.

JOHN HOLMES. [SEAL.]

THO: BARCLAY. [SEAL.]

Witness:

JAMES T. AUSTIN, *Agent U. S. A.*

ANTH: BARCLAY, *Secretary.*

